

# House File 294 - Introduced

HOUSE FILE \_\_\_\_\_  
BY HEATON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to restrictions on employment of certain persons  
2 under the Medicaid consumer choices option.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1463YH 82  
5 pf/cf/24

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1 1 Section 1. Section 249A.29, Code 2007, is amended to read  
1 2 as follows:  
1 3 249A.29 HOME AND COMMUNITY=BASED SERVICES WAIVER PROVIDERS  
1 4 AND CONSUMERS == RECORDS CHECKS.  
1 5 1. For purposes of this section and section 249A.30 unless  
1 6 the context otherwise requires:  
1 7 a. "Consumer" means an individual approved by the  
1 8 department to receive services under a waiver.  
1 9 b. "Consumer choices option" means the self-direction  
1 10 option under the waivers.

1 11 ~~b. c.~~ "Provider" means an agency certified by the  
1 12 department to provide services under a waiver.  
1 13 ~~c. d.~~ "Waiver" means a home and community=based services  
1 14 waiver approved by the federal government and implemented  
1 15 under the medical assistance program.  
1 16 2. If a person is being considered by a provider or by a  
1 17 consumer under the consumer choices option for employment  
1 18 involving direct responsibility for a consumer or with access  
1 19 to a consumer when the consumer is alone, and if the person  
1 20 has been convicted of a crime or has a record of founded child  
1 21 or dependent adult abuse, the department shall perform an  
1 22 evaluation to determine whether the crime or founded abuse  
1 23 warrants prohibition of employment by the provider or by the  
1 24 consumer under the consumer choices option. The department  
1 25 shall conduct criminal and child and dependent adult abuse  
1 26 records checks of the person in this state and may conduct  
1 27 these checks in other states. The records checks and  
1 28 evaluations required by this section shall be performed in  
1 29 accordance with procedures adopted for this purpose by the  
1 30 department.

1 31 3. If the department determines that a person employed by  
1 32 a provider or by a consumer under the consumer choices option  
1 33 has committed a crime or has a record of founded abuse, the  
1 34 department shall perform an evaluation to determine whether  
1 35 prohibition of the person's employment is warranted.

2 1 4. In an evaluation, the department shall consider the  
2 2 nature and seriousness of the crime or founded abuse in  
2 3 relation to the position sought or held, the time elapsed  
2 4 since the commission of the crime or founded abuse, the  
2 5 circumstances under which the crime or founded abuse was  
2 6 committed, the degree of rehabilitation, the likelihood that  
2 7 the person will commit the crime or founded abuse again, and  
2 8 the number of crimes or founded abuses committed by the person  
2 9 involved. The department may permit a person who is evaluated  
2 10 to be employed or to continue to be employed by the provider  
2 11 or by the consumer under the consumer choices option if the  
2 12 person complies with the department's conditions relating to  
2 13 the employment, which may include completion of additional  
2 14 training.

2 15 5. If the department determines that the person has  
2 16 committed a crime or has a record of founded abuse which  
2 17 warrants prohibition of employment, the person shall not be  
2 18 employed by a provider or by a consumer. Notwithstanding any  
2 19 other provision of this section, if the department determines  
2 20 that the person has a record of founded dependent adult abuse,

2 21 the person shall not be employed by a consumer under the  
2 22 consumer choices option.

2 23 EXPLANATION

2 24 This bill provides that if a person is being considered by  
2 25 a consumer for employment under the consumer choices option of  
2 26 a Medicaid home and community-based services waiver which  
2 27 involves direct responsibility for the consumer or access to a  
2 28 consumer when the consumer is alone, if the person has been  
2 29 convicted of a crime or has a record of founded child or  
2 30 dependent adult abuse, the department of human services is to  
2 31 perform an evaluation to determine whether the crime or  
2 32 founded abuse warrants prohibition of employment of the  
2 33 person. The department is to conduct criminal and child and  
2 34 dependent adult abuse records checks of the person in this  
2 35 state and may conduct these checks in other states. If the  
3 1 department determines that a person employed by a consumer  
3 2 under the consumer choices option has committed a crime or has  
3 3 a record of founded abuse, the department is to perform an  
3 4 evaluation to determine whether prohibition of the person's  
3 5 employment is warranted. Following the evaluation, the  
3 6 department may permit the person who is evaluated to be  
3 7 employed or to continue to be employed by the consumer under  
3 8 the consumer choices option if the person complies with the  
3 9 department's conditions relating to the employment, which may  
3 10 include completion of additional training. However, if the  
3 11 department determines that the person has committed a crime or  
3 12 has a record of founded abuse which warrants prohibition of  
3 13 employment, the person is prohibited from being employed by a  
3 14 provider or a consumer under the consumer choices option.  
3 15 Notwithstanding any other provision, the bill specifically  
3 16 provides that if the department determines that the person has  
3 17 a record of founded dependent adult abuse, the person is  
3 18 prohibited from being employed by a consumer under the  
3 19 consumer choices option.  
3 20 LSB 1463YH 82  
3 21 pf:nh/cf/24